S.B. CIVIL REVISION PETITION NO.522/2006
(Lal Singh vs. U.C.O. Bank)

Date :: 19.02.2007

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr.C.S. Mandora, for the petitioner.
Mr.P.C. Singhvi, for the respondents.

Heard learned counsel for the parties.

The petitioner aggrieved against the order dated 05th May, 2005 by which petitioner's application for setting aside the decree passed under Order 37 CPC was dismissed by the trial court. It is not in dispute that the petitioner-defendant submitted ground for his absence is his sickness but that was not supported by any documentary evidence as the petitioner did not submit any medical certificate to prove that he was sick and was not in a position to attend the Court in a suit where decree for Rs.10,000/- was sought against the petitioner. It will be worthwhile to mention here that it is necessary to disclose not only sufficient reason but special reason for setting aside of the decree when relief of setting aside of the decree is sought in the matter under Order 37 CPC.

Be that as it may, there is no reason to interfere in the order passed by the trial court under Section 151 CPC.

The revision petition is dismissed.

[PRAKASH TATIA],J.

A.K. Chouhan/-